

The Honorable

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMERICAN LEGACY FISHING, LLC, a  
Florida limited liability company,

Plaintiff,

v.

NANJING TANKER CORPORATION, a  
Hong Kong entity; and CSC BRAVE, IMO  
9344124, its tackle, gear, appurtenances and  
equipment,

Defendants.

No.

IN ADMIRALTY

VERIFIED COMPLAINT *IN REM* AND *IN*  
*PERSONAM* FOR MARITIME TORT

COMES NOW plaintiff AMERICAN LEGACY FISHING, LLC (“ALF”), complaining  
of defendants NANJING TANKER CORPORATION (“NTC”) and its vessel CSC BRAVE, and  
hereby alleges and avers as follows:

**Parties**

- 1) At all times material, ALF was and is a corporation organized and existing under  
the laws of Florida, with its principal office located at 111 S Armenia Ave, Suite  
201, Tampa, FL 33609-3337.

VERIFIED COMPLAINT *IN REM* AND *IN PERSONAM* FOR  
MARITIME TORT - 1  
Case No.

FG:53728683.1

FOSTER GARVEY PC  
1111 Third Avenue, Suite 3000  
Seattle, Washington 98101-3292  
Phone (206) 447-4400  
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- 1           2)     At all times material, ALF was and is the owner of the fishing vessel F/V  
2           AMERICAN VICTORY, IMO 9556674.  
3  
4           3)     At all times material, NTC was and is a corporation organized and existing under  
5           the laws of Hong Kong; and was and is the owner and operator of CSC BRAVE.  
6           4)     At all times material, CSC BRAVE was under NTC's direction and management.  
7           CSC BRAVE is, and at all times material was, an oil tanker vessel of Hong  
8           Kong registry, and is now, or during the pendency of this action is expected to be,  
9           within this district.

10                           **Jurisdiction and Venue**

- 11           5)     This is an admiralty or maritime claim within the meaning of FRCP 9(h).  
12  
13           6)     The Court has jurisdiction pursuant to 28 U.S.C. §1333. Venue in this Court is  
14           established by the parties' agreement and CSC BRAVE's current or expected  
15           location within this district.

16                           **Allegations of Operative Fact**

- 17           7)     On or about February 3, 2017, AMERICAN VICTORY was moored at the main  
18           wharf of the port of Pago Pago, American Samoa. At that time and place, NTC so  
19           carelessly, negligently, and unskillfully managed and navigated CSC BRAVE that  
20           it collided with AMERICAN VICTORY causing significant damage.  
21  
22           8)     The collision and resulting damages were not caused or contributed to by any  
23           fault or neglect on the part of ALF or those in charge AMERICAN VICTORY,  
24           but were caused or contributed to by the following faults and NTC's negligence  
25           and those in charge of CSC BRAVE as follows:  
26

- a. CSC BRAVE was undermanned and not in the charge of competent persons;
  - b. Those in charge of CSC BRAVE were careless, negligent, and inattentive to their duties;
  - c. Those in charge of the CSC BRAVE failed to keep a proper lookout;
  - d. Those in charge of CSC BRAVE failed to slow, stop, and reverse engines when they saw or should have seen that there was danger of collision;
  - e. Those in charge of CSC BRAVE failed to take any precautions to avoid the collision;
  - f. CSC BRAVE was proceeding at an excessive rate of speed under the circumstances; and/or
  - g. CSC BRAVE was unseaworthy.
- 9) As a result of the collision, ALF was required to make expenditures of \$43,241.33 for the repair of AMERICAN VICTORY, which sum is liquidated.
  - 10) As a further proximate result of the collision, ALF lost the use of its vessel for 15 days, all to ALF's further damage in the sum of \$530,775.11, which sum is liquidated.
  - 11) As a direct and proximate result of NTC's negligence, ALF suffered total damages of \$574,016.44, no part of which sum has been paid, although payment has been duly demanded.

**First Cause of Action  
(MARITIME TORT)**

- 12) ALF repeats and realleges the allegations contained in paragraphs 1 through 11 as if fully stated herein.
- 13) At all times material, NTC and CSC BRAVE had duties to ALF to undertake safe and appropriate vessel operation.
- 14) NTC and CSC BRAVE breached their duties to ALF by negligently failing to undertake safe and appropriate vessel operation.
- 15) NTC's and CSC BRAVE's negligent failure to undertake safe and appropriate vessel operation proximately caused ALF to incur damages by way of vessel repair and lost vessel use.
- 16) NTC and CSC BRAVE are liable to ALF for ALF's damages as described hereinabove.

**Second Cause of Action  
(VESSEL ARREST)**

- 17) ALF repeats and realleges the allegations contained in paragraphs 1 through 16 as if fully stated herein.
- 18) NTC's and CSC BRAVE's maritime tort as described hereinabove gives rise to a maritime lien on CSC BRAVE.
- 19) ALF holds a maritime lien on CSC BRAVE and hereby seeks to enforce the same in accordance with 46 U.S.C. §31342.
- 20) ALF is entitled to an order of arrest of CSC BRAVE to enforce its maritime lien against said vessel.

1 WHEREFORE, ALF prays for relief as follows:

- 2 1) That process *in rem* issue against CSC BRAVE, and that the vessel be arrested when  
3 it is confirmed such vessel is within the district, and that all persons claiming any  
4 interest in the vessel be required to appear and answer this complaint;  
5  
6 2) That process issue in due form of law according to the practice of this Court in cases  
7 of admiralty jurisdiction against CSC BRAVE, and that any person claiming any  
8 right, title, or interest to the vessel be cited to appear and answer all and singular the  
9 matters stated above;  
10  
11 3) That CSC BRAVE be condemned and sold to satisfy ALF's damages as alleged  
12 hereinabove, with prejudgment and post-judgment interest as provided by law;  
13  
14 4) That ALF be awarded damages in the amount of \$574,016.44plus prejudgment and  
15 post-judgment interest as allowed by law;  
16  
17 5) That ALF be awarded its costs and reasonable attorneys' fees incurred by this action;  
18 and  
19  
20 6) Such other and further relief as the Court deems just and proper.  
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1 DATED this 24th day of April, 2020.

2  
3 s/ Steven W. Block

4 Steven W. Block, WSBA No. 24299

5 FOSTER GARVEY PC

6 1111 Third Avenue, Suite 3000

7 Seattle, Washington 98101-3292

8 Telephone: (206) 447-4400

9 Facsimile: (206) 447-9700

10 Email: steve.block@foster.com

11 *Attorney for Plaintiff*

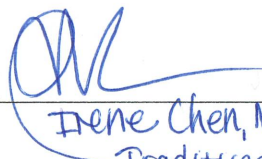
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VERIFIED COMPLAINT *IN REM* AND *IN PERSONAM* FOR  
MARITIME TORT - 6  
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## VERIFICATION

I, Irene Chen, am the Managing Member, Tradition Mariner of plaintiff American Legacy Fishing, LLC; am familiar with the facts and circumstances of this complaint; have reviewed this complaint; and certify that all allegations contained herein are true and correct to the best of my knowledge.

X   
Irene Chen, Managing Member of  
Tradition Mariner LLC, sole Managing  
Member of American Legacy Fishing LLC

STATE OF FLORIDA

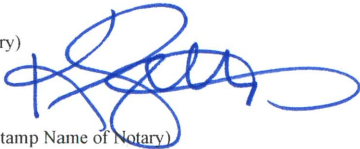
ss.

COUNTY OF HILLSBOROUGH

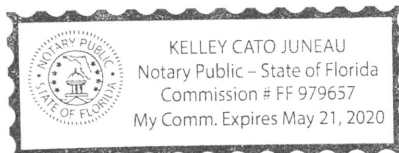
On this 24<sup>th</sup> day of April, 2020, before me, the undersigned, a Notary Public in and for State of Florida, duly commissioned and sworn, personally appeared Irene Chen, to me known to be the individual described in and who executed the foregoing instrument on behalf of American Legacy Fishing, LLC, and acknowledged that he/she signed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

(Signature of Notary)



(Legibly Print or Stamp Name of Notary)



Notary public in and for the State of Florida,  
 residing at \_\_\_\_\_  
 My appointment expires May 21, 2020

VERIFIED COMPLAINT *IN REM* AND *IN PERSONAM* FOR  
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